UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,989	02/27/2004	Daniel G. O'Neil	50037.229US01	6860

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EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/788,989	O'NEIL ET AL.
	Examiner	**Art Unit**	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 October 2005_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,6-14,16-18 and 20-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,6-14,16-18 and 20-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1-4, 6-7, 9-14, 18 and 20-23 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Deeds (US 2004/0198455) in view of Alberth et al (6,094,565).

Claim 1.

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate

information associated with an event and related to the integration of hardware and

software in a computing device, comprising:

receiving an event at the computing device (Fig. 7 shows the step 330 of select

entry or caller group. This step of selecting is considered as an event),

the event corresponding to a software element that has an associated color scheme

(Fig. 7 shows step 330, wherein a software element is the entry, e.g., the name of a

person or a caller group displayed on the display 110. Fig. 7 also shows the step 340

for selecting color scheme for the entry or the caller group) (Section 41);

determining a color value associated with the event, the color value

corresponding to the color scheme of the software element (Section 42, lines 1-3; and

lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red

pulses); and

illuminating a hardware element (illuminating the keys 2 and 5) according to at

least one of the color scheme associated with the software element (the entry "Mark" on

the display 110) and the color value of the event (the green color value) (Section 52, the last seven lines).

Deeds further disclose wherein illuminating the hardware element (illuminating the keys 2 and 5) communicates the information (the speed dialing information) associated with the event (Section 52, the last seven lines); and

further wherein the information comprises personal preferences associated with a user of the computing device (it is inherent that the "personal preferences associated with a user" would be the capability of the user to select a preference color scheme associated with the selected entry. The user also can assign different color schemes to other entries) (Section 41, the last six lines to section 42, and first six lines).

Furthermore, it is also inherent that the "personal preferences associated with a user" would be the capability of the user to configure different types of illumination, i.e., the desired illumination setting pulses for different "caller groups" (Section 42, beginning line 6).

Deeds fails to teach converting the color value to a duty cycle percentage.

However, Alberth teaches modifying the red color value to a 20 percent duty cycle (Column 6, lines 23-33; column 8, lines 11-41).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the color flashing duty cycle percentage of Alberth into the mobile phone device of Deeds to alert the user the status changes of the mobile phone device. Furthermore,

this color duty cycle percentage of Alberth would also configure the LEDs of Deeds with

a number of different sequences, such as slow, steady or rapid pace.

Claims 2 and 3.

Deeds discloses (Fig. 9) the software element (MARK) is a display (110) on a

user interface of the computing device (10). This computing device is a communication

device.

Claim 4.

Deeds discloses (Fig. 9) the hardware element is at least on of a keypad (the

keys 2 and 5 on the keypad 140).

Claim 6.

Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys 2

and 5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 7.

Deeds teaches wherein the event is at least one of an indicator of available

actions (speed dial action) (Page 6, section 52, the last seven lines).

Claim 9.

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate information associated with an event and related to the integration of hardware and software in a computing device, comprising:

a memory (Fig. 1, non-volatile memory 160 and volatile memory 180) of the computing device (10) that is arrange to receive an event, the event corresponding to a software element that has an associated color scheme (Fig. 7 shows step 330, wherein a software element is the entry, e.g., the name of a person or a caller group displayed on the display 110. Fig. 7 also shows the step 340 for selecting color scheme for the entry or the caller group) (Page 5, section 41);

an illuminating element (LEDs 210) coupled to the memory via a controller (80); and

a hardware element (keypad 140) coupled to the illuminating element (210), wherein the illuminating element illuminates the hardware element according to the color scheme when the event is received (Section 52, the last seven lines).

As to the new added limitations, Deeds further disclose wherein illuminating the hardware element (illuminating the keys 2 and 5) communicates the information (the speed dialing information) associated with the event (Section 52, the last seven lines); and

further wherein the information comprises personal preferences associated with a user of the computing device (it is inherent that the "personal preferences associated with a user" would be the capability of the user to select a preference color scheme

associated with the selected entry. The user also can assign different color schemes to other entries) (Section 41, the last six lines to section 42, and the first six lines).

Furthermore, it is also inherent that the "personal preferences associated with a user" would be the capability of the user to configure different types of illumination, i.e., the desired illumination setting pulses for different "caller groups" (Section 42, beginning line 6).

Deeds fails to teach converting the color value to a duty cycle percentage.

However, Alberth teaches modifying the red color value to a 20 percent duty cycle (Column 6, lines 23-33; column 8, lines 11-41).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the color flashing duty cycle percentage of Alberth into the mobile phone device of Deeds to alert the user the status changes of the mobile phone device. Furthermore, this color duty cycle percentage of Alberth would also configure the LEDs of Deeds with a number of different sequences, such as slow, steady or rapid pace.

Claims 10-12.

Note the rejection as set forth above with respect to claims 2-4.

Claim 13.

Deeds discloses (Figs. 8 and 9) wherein the color value is defined in the memory

(step 400,) and wherein the illuminating element (LEDs 210) illuminates the hardware

element (the keys 2 and 5) based on the color value (the green color value) (Section 52,

the last seven lines).

Claim 14.

Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys 2

and 5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 16.

Deeds teaches wherein the event is at least one of an indicator of available

actions (speed dial action) (Section 52, the last seven lines).

Claim 18.

Note the rejection as set forth above with respect to claim 1.

Claim 20.

Note the rejection as set forth above with respect to claim 3.

Claims 21-23.

Deeds discloses (fig. 7) the information communicated by the color scheme is at least of a functional feature associated with the computing device (color scheme setting feature).

Deeds further disclose wherein illuminating the hardware element (illuminating the keys 2 and 5) communicates the information (the speed dialing information) associated with the event (Section 52, the last seven lines); and

further wherein the information comprises personal preferences associated with a user of the computing device (it is inherent that the "personal preferences associated with a user" would be the capability of the user to select a preference color scheme associated with the selected entry. The user also can assign different color schemes to other entries) (Section 41, the last six lines to section 42, and first six lines).

Furthermore, it is also inherent that the "personal preferences associated with a user" would be the capability of the user to configure different types of illumination, i.e., the desired illumination setting pulses for different "caller groups" (Section 42, beginning line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Deeds in view of Alberth and Cadiz et al (US 2003/0164862).

Claims 8 and 17.

The only difference between the disclosure of Deeds and the claimed invention is

that claims 8 and 17 require the color scheme changes to communicate information

corresponding to elapsed time associated with the event.

However, Cadiz discloses (figs. 2 and 4A) the changing of the appearance of a

graphically displayed ticket (210) to communicate information (changing information or

communications state or status) corresponding to elapse time associated with the event

(ticket 210). See page 11, section 100; and page 17, section 184.

It would have been obvious to a person of the art at the time of the invention to

use the graphical alert method of Cadiz into the communication method of Deeds to

allow a user to set up a schedule meeting or reading a message, wherein the alert

feature would remind the user of the meeting or reading a message.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-14, 16-18 and 20-23 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

-Aleksic (US 2003/0210221) discloses modulating the power of the portable device to a high duty cycle (Section 23).

-Weiss et al (US 2003/0214655) a portable device having LEDs that operated at 50 percent duty cycle (Section 39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER